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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/769,274	01/30/2004	Richard R. Green	013208.0133PTUS	7874
24283 7590 05/19/2008 PATTON BOGGS LLP 1801 CALIFORNIA STREET SUITE 4900 DENVER, CO 80202				
EXAMINER TURCHEN, JAMES R				
ART UNIT		PAPER NUMBER		
2139				
MAIL DATE		DELIVERY MODE		
05/19/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/769,274

Applicant(s)

GREEN ET AL.

Examiner

JAMES TURCHEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claims 1-6 are pending. Claims 1 and 4 are amended.

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/18/2008 has been entered.

Response to Arguments

Applicant's arguments filed 02/02/2008 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "multiple devices" and "automatically") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). The claims recite the limitation "at least one".

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208

USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

In response to applicant's argument that Examiner provides the basis of the 103 rejection from the Applicant's specification, the examiner respectfully disagrees. Examiner clearly states in the rejection that the 802.11 protocols were well known in the art at the time of invention. In addition, Examiner states that 802.11 routers were well known in the art to "broadcast their SSID's and wireless enabled user devices discover the wireless networks and if a user decides to connect to the router via wireless enabled user device, the router and the wireless enabled user device set up a communication link." Examiner has provided proof that one of ordinary skill in the art at the time of invention would have had this knowledge pertaining to 802.11 networks, routers, and wireless devices. The IEEE 802.11b Security Problem, Part 1 states "as is common, the administrator configures the Access Point to broadcast its SSID. With this broadcast feature enabled on a wireless network, any client computer not configured with a specific SSID can receive the SSID and gain entry to the Access Point." [page 92, column 1, 2nd paragraph in the SSID section]

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gammie in view of Bilbrey.

Regarding claims 1, 2, 4, and 5:

Gammie discloses a wireless interface for Removable Digital Content Security Devices for delivering a stream of decrypted program content to a plurality of consumer electronics devices, comprising:

security device means, removably connected to a first consumer electronics device, for receiving a stream of encrypted program content from a source *[figure 5, decoder 506 receives encrypted program content through satellite link 505; output 509 will be inherently removably (as the user can disconnect the satellite receiver/decoder at any given time) connected to a TV, VCR, etc.]*;

decryption means, located in said security device means, for converting said received encrypted program content to decrypted program content *[column 6 lines 26-30, program descrambler 508 reads the decrypted program content (column 6 lines 26-30, program descrambler 508 reads the decrypted key and uses the key to descramble and output descrambled program); 508 is located within decoder 506]*;

Gammie does not disclose an authentication means, located in said security device means, for discovering the presence of at least one other consumer electronic device not connected to said security device means or said first consumer device, a link management means for establishing a wireless communication link from said security device means to said located at least one other consumer electronic device, or a wireless transmitter means for wirelessly transmitting said decrypted program content to

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at least one other consumer electronics device. Bilbrey discloses a portable video playback device that is adapted to receive compressed video data via an antenna and RF receiver [*paragraph 34; it is inherent that an RF transmitter is paired with an RF receiver*]. Bilbrey does not disclose discovering the presence of at least one other consumer electronics device or establishing the wireless communication link. 802.11 protocols were well known in the art at the time of invention (specifically 802.11a and 802.11b). Examiner takes official notice that 802.11 was well known in the art at the time of invention and that 802.11 wireless routers broadcast their SSID's and wireless enabled user devices discover the wireless networks and if a user decides to connect to the router via wireless enabled user device, the router and wireless enabled user device set up a communication link. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method and system for wirelessly transmitting and receiving digital content disclosed by Bilbrey with the well known methods of the 802.11 protocols in order to provide over-the-air modulation techniques using a basic protocol. Additionally, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the system and method of Gammie with the wireless transmitting and receiving of Bilbrey and the 802.11 protocol in order to reproduce compressed video information by a portable device [*paragraph 4*].

Regarding claims 3 and 6:

It is inherent that an RF transmitter and receiver use the same link layer and physical protocols [*protocol as defined by Encarta dictionary is a set of technical rules for the transmission and receipt of information between computers; thus there must be a*

protocol between the two devices or else the devices will not be able to communicate properly].

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES TURCHEN whose telephone number is (571)270-1378. The examiner can normally be reached on MTWRF 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571)272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JRT

/Kristine Kincaid/
Supervisory Patent Examiner, Art Unit 2139